



**A = Approved, A1 = Approved First Reading, A2 = Approved Second Reading, D = Deferred,
NA = No Action, PH = Authorized Public Hearing, AD = Approval Denied**

ACTION AGENDA

Hickory City Council
76 North Center Street

April 19, 2022
7:00 p.m.

- I. Call to Order
- II. Invocation by Associate Pastor Lori Blocker, Corinth Reformed Church
- III. Pledge of Allegiance
- IV. Special Presentations
- NA** A. United Arts Council of Catawba County – Presentation by Ingrid Keller, Executive Director

United Arts Council of Catawba County, Board of Directors President Erin Hooks discussed the United Arts Council of Catawba County's upcoming events and advised they would be conducting another economic impact study.
- V. Persons Requesting to Be Heard
- VI. Approval of Minutes
- A** A. Regular Meeting of April 5, 2022. **(Exhibit VI.A.)**
- VII. Reaffirmation and Ratification of Second Readings. Votes recorded on first reading will be reaffirmed and ratified on second reading unless Council Members change their votes and so indicate on second reading.
- A2** A. Approval of an Ordinance to Implement a Speed Limit Reduction to 25mph Along 10th Street Place NW between 17th Avenue and 21st Avenue NW. **(First Reading Vote: Unanimous)**
- A2** B. Budget Revision Number 17. **(First Reading Vote: Unanimous)**
- A2** C. Budget Revision Number 18. **(First Reading Vote: Unanimous)**
- VIII. Consent Agenda: All items below will be enacted by vote of City Council. There will be no separate discussion of these items unless a Council Member so requests. In which event, the item will be removed from the Consent Agenda and considered under Item IX.
- A** A. Approval to Award the Service Weapon and Badge to Retiring Sergeant Dawn Hatley. **(Exhibit VIII.A.)**

Hickory Police Department requests City Council's approval to award retiring Sergeant Dawn Hatley her service weapon (Glock Model 17 - Serial # BMWU158) and badge upon her retirement May 31, 2022 after completing 18 years of qualifying service to the citizens of Hickory. By authority of North Carolina General Statutes, City Council may award the service weapon and police badge to Sergeant Dawn Hatley upon her retirement from Hickory Police Department. Upon approval from City Council, the police badge and service weapon will be declared surplus and removed from the City's fixed asset inventory. Staff

recommends approval of awarding the service weapon and police badge to Sergeant Dawn Hatley upon her retirement from Hickory Police Department.

- A B. Approval of a Resolution to Amend Part IV Hickory and Conover Occupancy Tax Section 4.1 (a) and (b) Amended to Replace the Year 2029 with the Year 2039. **(Exhibit VIII.B.)**

In order for the City of Hickory to consider taking on additional debt for the Hickory Conover Tourism Development Authority (HCTDA), the City of Hickory needs to guarantee that legislation allows for Occupancy Tax to go toward paying off the borrowed debt. Therefore SB 552 needs to be extended to 2039 to ensure that 2/3 occupancy taxes are available to pay off the debt. The remaining 1/3 occupancy taxes go toward marketing the community to visitors. The HCTDA is requesting support of extending the current legislation until 2039 from Hickory City Council, Conover City Council, and the Catawba County Commissioners as these three government entities have been a part of forming the HCTDA, which does business as the Hickory Metro Convention Center and Visitors Bureau.

- A C. Approval of an Order to Advertise All Real and Personal Current Fiscal Year Tax Amounts for the City of Hickory Limits for Burke and Caldwell Counties in the Hickory Daily Record in an Attempt to Collect the Delinquent Taxes. **(Exhibit VIII.C.)**

General Statute 105-369(a) mandates that the tax collector must first inform the governing body of and then advertise the "total amount of unpaid taxes for the current fiscal year that are liens on real property". A taxing unit has the option of advertising personal property taxes that are not a lien on real property, but the cost of that advertisement may not be passed along to taxpayers as is the cost of the real property tax lien advertisement. The amount advertised should be only the principal amount of taxes owed, not including any interest, costs, or fees. G.S. 105-369(c) requires that real property tax liens for the current year be advertised at any time from March 1 through June 30. Three actions must occur before the advertisement may be published and posted. (1) The governing body is informed of the "total amount of unpaid taxes for the current fiscal year that are liens on real property". (2) The governing body must issue an order to the tax collector to advertise the tax liens; the order will be issued, presumably, immediately upon receipt of the tax collector's report. (3) At least thirty days before the advertisement is published and posted, the tax collector must provide written notice to the affected taxpayers of the intent to publish outstanding current tax liens. When a taxpayer files a bankruptcy petition, an "automatic stay" immediately becomes effective. Essentially this stay bars any effort by a creditor to collect a debt from the debtor in bankruptcy. The advertisement of a tax lien arguably qualifies as an act to enforce a tax lien and is therefore barred by the automatic stay. The Tax Collector has informed City Council of the unpaid tax amounts for the current fiscal year. It is recommended that City Council issue an order to advertise all real and personal current fiscal year tax amounts in the Hickory Daily Record in an attempt to collect the outstanding taxes. 2021 Caldwell County Real Property Tax in the Amount of \$1,233.04 and 2021 Burke County Real Property Tax in the amount of \$91.79; Personal Property Tax in the amount of \$2,154.59 and Business Personal Property Tax in the amount of \$3,410.16 for a total of \$5,656.54.

- A D. Approval of the Agreement for Professional Services with Thompson-Gordon-Shook (TGS) Engineers, Inc. in the Amount of \$465,019.31 for Services Related to 17th Street NW Extension. **(Exhibit VIII.D.)**

Staff requests Council's approval of the agreement for professional services with Thompson-Gordon-Shook (TGS) Engineers, Inc. for services related to preliminary engineering and design, and right-of-way services for 17th Street NW Extension (HL-004) in the amount of \$465,019.31, contingent upon North Carolina Department of Transportation concurrence. The City of Hickory received \$6 million dollars from a Surface Transportation Block Grant – Direct Attributable Award in 2020 from the Greater Hickory Metropolitan Planning Organization (MPO) to extend 17th Street NW from 9th Avenue NW to Clement Boulevard NW. This new connector will serve as an alternate to US 321 for local traffic and also provide additional access for the newly planned Appalachian State University Campus. The connection would also provide a safer route for cyclists to reach

Aviation Walk that includes a bicycle and pedestrian bridge over US 321 north of Clement Boulevard. Staff recommends Council's approval of the agreement for professional services with TGS Engineers, Inc. for services related to preliminary engineering and design, and right-of-way services for 17th Street NW extension (HL-004) in the amount of \$465,019.31, contingent upon NCDOT concurrence.

A E. Citizens' Advisory Committee Recommendations for Assistance through the City of Hickory's Housing Programs. (Exhibit VIII.E.)

The following applicants were considered by the Citizens' Advisory Committee at their regular meeting on April 7, 2022; and is now being recommended for approval for assistance under the City of Hickory's housing assistance programs.

- *William Fowler, 323 4th Street Place SW, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to his house. Assistance would be in the form of a zero percent interest deferred loan.*
- *Eugenia Farrer, 412 2nd Street SW, Hickory, was recommended for approval of a Housing Rehabilitation Loan. The Citizens' Advisory Committee recommends approval for assistance not to exceed \$25,000 for repairs to her house. Assistance would be in the form of a zero percent interest deferred loan.*

Funds are budgeted for these items through the City of Hickory's former Housing Rehabilitation Program income received in FY 2021 and/or program income received through the City of Hickory's Community Development Block Grant Program. The Citizens' Advisory Committee recommends approval of the aforementioned requests for assistance through the City of Hickory's housing assistance programs.

A1 F. Approval of Budget Revision Number 19. (Exhibit VIII.F.)

1. *To appropriate \$80,000 from the sale of multiple vehicles towards the purchase of two Solid Waste vehicles.*
2. *To appropriate \$465,020 towards the 17th Street NW Extension project for the approval and acceptance of an Agreement for Professional Services with TGS related to Preliminary Engineering and Design. \$372,016 (80%) will come from state revenues received as part of the Surface Transportation Block Grant while \$93,004 (20%) will be paid out of General Fund Balance.*
3. *To close the Justice Assistance Grant Project for 2020 and return the remaining funds from the project (\$55) back to the General Fund.*
4. *To close the PTI Building ReUse Grant Project and return the remaining funds from the project (\$2,513) back to the General Fund.*
5. *To close the Design Foundry Building ReUse Grant Project and return the remaining funds from the project (\$29) back to the General Fund.*
6. *To close the Coronavirus Emergency Supply Funding Grant Project and return the remaining funds from the project (\$17) back to the General Fund.*
7. *To close the Bulletproof Vest Partnership Grant Project for 2020 and return the remaining funds from the project (\$10) back to the General Fund.*
8. *To appropriate \$2,525 in police donations from Nagano and Hickory Sand towards police officer training.*
9. *To appropriate \$25 in police donations towards Community Navigator supplies.*

IX. Items Removed from Consent Agenda – None

X. Informational Item

XI. New Business:

A. Public Hearings

A1

1. Consideration of Rezoning Petition Number 22-06 for 8.84 Acres of Property Located on Valley Arbors Drive, Between Robinson Road and 21st Street SE, from Planned Development to an Amended Planned Development – Presentation by Planning Director Brian Frazier. **(Exhibit IX.A.1.)**

The applicant has submitted a petition for property located on Valley Arbors Drive, between Robinson Road and 21st Street SE, PIN 3711-11-56-5918, requesting to amend the existing Planned Development (PD). The master plan, and supplemental documentation, provided as part of the petition depicts the development as being multi-family residential in nature. The 8.84-acre property is zoned Planned Development (PD), but the applicant is hoping to amend the terms of the PD. The plans depict the property as consisting of four residential apartment buildings, which contain 112 dwelling units. In total, the proposed development would consist of a density of roughly 12.7 units per acre. Hickory's Land Development Code (Section 5.1) permits multi-family planned developments at a maximum density of 20 units per acre. The development is proposed to be a little more than half of what would normally be permissible. The Hickory Regional Planning Commission conducted a public hearing on March 23, 2022, to consider the petition and acknowledged the petition's consistency with the Hickory by Choice 2030 Comprehensive Plan. Based upon its findings, the Hickory Regional Planning Commission voted unanimously (9-0) to recommend approval of the petition. Staff concurs with the recommendation of the Hickory Regional Planning Commission.

The public hearing was advertised in a newspaper having general circulation in the Hickory area on April 8, and April 15, 2022.

B. Departmental Reports

NA

1. Appointments to Boards and Commissions

CITIZENS ADVISORY COMMITTEE

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Small Cities Project Area

VACANT

COMMUNITY APPEARANCE COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
At-Large (Outside City but within HRP) (Council Appoints)

VACANT

COMMUNITY RELATIONS COUNCIL

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Other Minority (Council Appoints)

VACANT

Differently Abled and is African American or Other Minority (Council Appoints)

VACANT

Differently Abled (Council Appoints)

Beth Whicker

(Not Eligible for Reappointment)

LIBRARY ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 3 (Seaver Appoints)

VACANT

(Beth Schauble Resigned 11-10-2021)

PUBLIC ART COMMISSION

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)
Ward 4 (D. Williams Appoints)

VACANT

RECYCLING ADVISORY BOARD

(Terms Expiring 6-30; 3-Year Terms) (Appointed by City Council)

YOUTH COUNCIL

(Terms Expiring 6-30; 1-Year Terms) (Appointed by City Council)

Youth Council Applicant Review Committee Recommends the Following Appointments:

Fred T. Foard
Homeschool

VACANT
VACANT

- C. Presentation of Petitions and Requests
- XII. Matters Not on Agenda (requires majority vote of Council to consider)
- XIII. General Comments by Members of Council, City Manager or City Attorney of a Non-Business Nature
- XIV. Closed Session Per NC General Statutes 143-318.11(a)(1)(3) to consult with the attorneys regarding the following: (Action on these items, if any, will occur in Open Session)
 - 1. *Approval of Closed Session Minutes of March 15, 2022 - NCGS §143-318.11(a)(1).*
 - 2. *Discussion of Potential Litigation – NCGS §143-318.11(a)(3).*
- A Approved a motion to engage Rosenwood Rose as Counsel.
- XV. Adjournment

***Hickory City Code Section 2-56. Public Address to Council:**

“When conducting public hearings, considering ordinances, and otherwise considering matters wherein the public has a right to be heard, when it appears that there are persons present desiring to be heard, the Mayor shall require those opposing and favoring the proposed action to identify themselves. Each side of the matter shall be given equal time. Those opposing the proposed action shall be allowed 15 minutes for presentation, followed by 15 minutes for those favoring the action, with the opponents then to have five minutes for rebuttal and the proponents to then have five minutes for surrebuttal. Those persons on either side shall have the right to divide their allotted time among them as they may choose. The Council, by majority vote, may extend the time for each side equally. On matters in which the person desiring to address the Council does not have a legal right to speak, the Council shall determine whether it will hear the person. The refusal to hear a person desiring to speak may be based upon grounds that the subject matter is confidential, that its public discussion would be illegal, that it is a matter not within the jurisdiction of the Council or for any other cause deemed sufficient by the Council. Any person allowed to speak who shall depart from the subject under discussion or who shall make personal, impertinent, or slanderous remarks, or who shall become boisterous while addressing the Council shall be declared out of order by the Mayor, or by vote of the Council, and barred from speaking further before the Council unless permission to continue shall be granted by a majority vote of the Council, under such restrictions as the Council may provide.”

**The City of Hickory holds all public meetings in accessible rooms.
Special requests for accommodation should be submitted by individuals
with disabilities at least 48 hours before the scheduled meeting.
Phone Services (hearing impaired) – Call 711 or 1-800-735-2962**